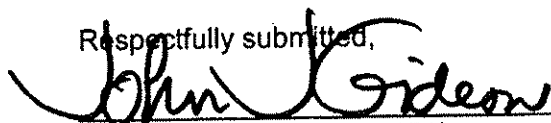


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

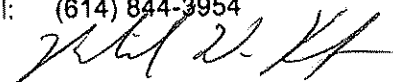
JAMES DERRICK O'NEAL,	:	CASE NO. 1:02CV 0357
Petitioner,	:	District Judge Michael W. Barrett
	:	Magistrate Judge Michael R. Merz
v.	:	
MARGARET BAGLEY, Warden	:	<u>MOTION OF JOHN J. GIDEON FOR</u>
	:	<u>LEAVE TO WITHDRAW AS COUNSEL</u>
	:	<u>AND MOTION TO SUBSTITUTE</u>
Respondent.	:	<u>LAWRENCE J. GREGER AS</u>
	:	<u>COUNSEL FOR PETITIONER</u>

Now comes John J. Gideon who hereby seeks leave of Court to withdraw as counsel for Petitioner, James D. O'Neal. At the same time, Attorney Lawrence J. Greger asks leave to substitute as co-counsel on behalf of the Petitioner. A Memorandum in support of this request is attached hereto and made a part hereof.

Respectfully submitted,



JOHN J. GIDEON (0008151)
(Trial Attorney)
250 East Stanton Avenue
Columbus, OH 43214-1268
Tel: (614) 844-3954



Michael W. Krumholtz, Attorney
Registration No. 0009099
BIESER, GREER & LANDIS LLP
400 National City Center
6 North Main Street
Dayton, Ohio 45402-1908
Telephone: (937) 223-3277

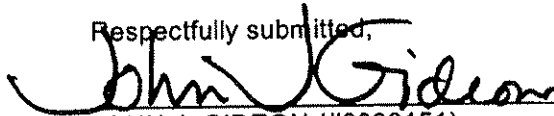
ATTORNEYS FOR PETITIONER

MEMORANDUM

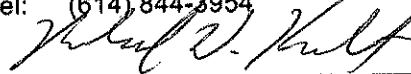
John Gideon has served as lead counsel in this matter since the filing of the Petition for Writ of Habeas Corpus. However, due to recent family obligations as well as a shift in focus of Mr. Gideon's practice, he seeks leave of Court to withdraw as counsel for the Petitioner. Attorney Lawrence J. Greger, who is known to the Court as someone experienced in habeas corpus litigation, has expressed a willingness to substitute as co-counsel for the Petitioner. Mr. Greger's signature following this Memorandum attests to his willingness upon leave of Court to substitute in that position.

For these reasons, John Gideon asks that he be permitted to withdraw as co-counsel for the Petitioner and Lawrence J. Greger asks to be permitted to substitute in Mr. Gideon's place.

Respectfully submitted,



JOHN J. GIDEON (#0008151)
250 East Stanton Avenue
Columbus, OH 43214-1268
Tel: (614) 844-3954



Michael W. Krumholtz (#0009099)
BIESER, GREER & LANDIS LLP
400 National City Center
6 North Main Street
Dayton, Ohio 45402-1908
Tel: (937) 223-3277
Fax: (937) 223-6339



Lawrence J. Greger (#0002592)
Suite 1100 Liberty Tower
120 W. Second Street
Dayton, OH 45402
(937) 223-3153

ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing was mailed to Stephen E. Maher, Assistant Attorney General, Capital Crimes Section, 30 East Broad Street, 23rd Floor, Columbus, Ohio 43215-3428, by regular U.S. Mail on this 18th day of December, 2007.



Counsel for James Derrick O'Neal

8728.202206 \ 321395.1